

## REQUEST FOR COMMITTEE ACTION

### HENDERSON COUNTY TECHNICAL REVIEW COMMITTEE

**MEETING DATE:** January 8, 2012

**SUBJECT:** Rezoning Application #R-2012-06

**PRESENTER:** Parker Sloan, Planner

**ATTACHMENTS:** 1. Staff Report  
2. Photos of Project Area

#### **SUMMARY OF REQUEST:**

Rezoning Application #R-2012-06, which was submitted on November 19, 2012, requests the County rezone a 0.43 acre tract. The applicant requests a rezoning from a Community Commercial (CC) zoning district to a Residential One (R1) zoning district. The subject area is owned by Glassy Mountain Partners LLC (PIN: 9577-59-3179).

Planning Staff requests the Technical Review Committee take action to recommend that the Board of Commissioners approve, approve with modifications, table, or deny rezoning application #R-2012-06.

#### **Suggested Motion:**

I move that the TRC recommend approval of rezoning application #R-2012-06 to rezone the subject area to a Residential One (R1) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.

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## Henderson County Planning Department Staff Report

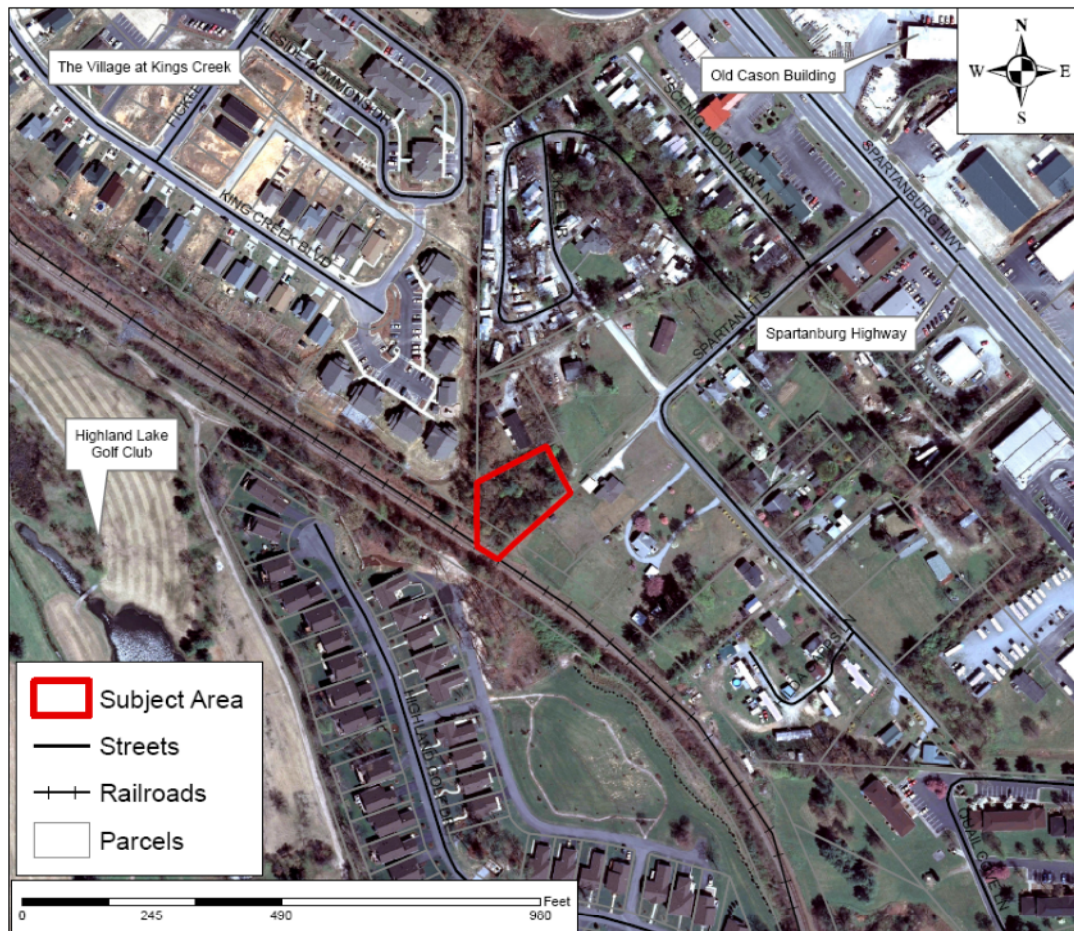
### Rezoning Application #R-2012-06 Lewis C. Boyd, Owner

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#### 1. Rezoning Request

- 1.1. **Applicant:** Lewis C. Boyd, Owner
- 1.2. **Request:** Rezone a parcel from Community Commercial (CC) to Residential One (R-1)
- 1.3. **PIN(s):** 9577-59-3179
- 1.4. **Size:** Total of 0.43 acres to be rezoned.
- 1.5. **Location:** The subject area is located along Spartan Heights, approximately 800 feet from the intersection of Spartanburg Highway (US 176) and Spartan Heights (SR 1780).

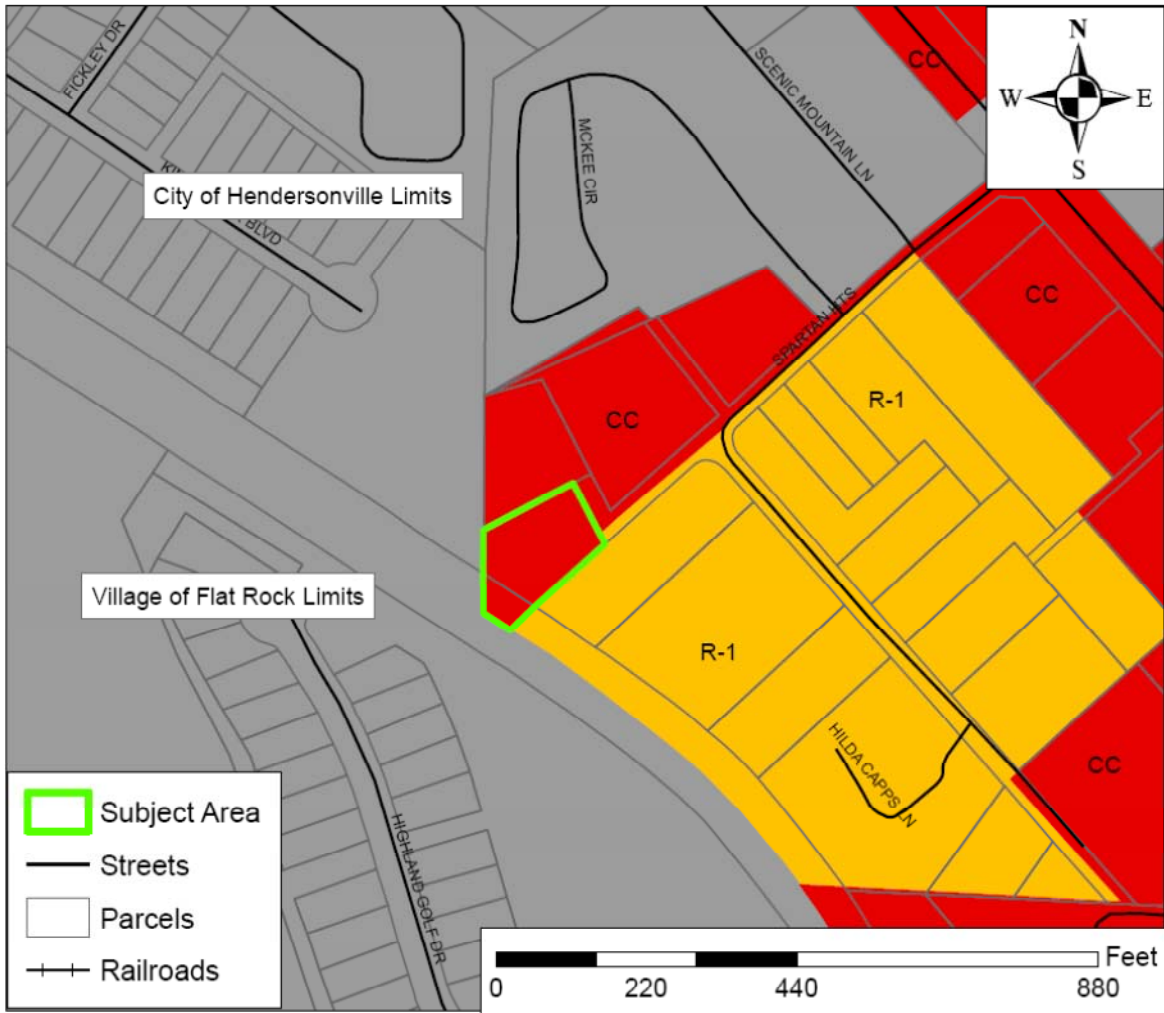
Map A: Aerial Photo



**2. Current Zoning**

2.1. **Application of Current Zoning:** The subject area was zoned Community Commercial (CC) on September 19, 2007 with the adoption of the Land Development Code.

**Map B: Current Zoning**



2.2. **Adjacent Zoning:** The subject area is adjacent to Residential One (R-1) to the east and surrounded by Community Commercial (CC) to the north. To the south the subject area is adjacent to the Village of Flat Rock municipal limits and to the west the subject area is adjacent to the City of Hendersonville municipal limits.

2.3. **District Comparison:**

2.3.1. **City of Hendersonville Planned Residential Development:** *“This classification is designed to accommodate planned residential developments for which a special use permit has been issued. The density for a planned residential development shall be established by City Council in consideration of the Comprehensive Plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development.”*(City of Hendersonville Zoning Ordinance)

All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

2.3.2. **Village of Flat Rock R-20 (Low Density Residential):** *“The R-20 district is established as a district in which the principal use is for lowdensity, single-family residential development, open space and limited public and semipublic uses that are compatible with the low-density residential character of the district.”* (Village of Flat Rock Land Development Ordinance)  
20,000 Sq Ft minimum lot size 50ft front yard setback. 25ft side and rear setback.

2.3.3. **Community Commercial (CC):** *“The purpose of the Community Commercial District (CC) is to foster orderly growth where the principal use of land is commercial. The intent of this district is to allow for commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide commercial development that: (1) includes a variety of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on the local and community level; (2) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (3) is compatible with adjacent development and the surrounding community;*

*and (4) will minimize congestion and sprawl. This general use district is meant to be utilized in areas designated as Transitional (RTA) or Urban (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-34).*

CC requires 10 foot side and rear setbacks, maximum height 50 feet, a standard density of sixteen (16) units per acre, maximum impervious surface of 80%, and a maximum floor area (sq. ft.) 80,000.

**2.3.4. Residential One (R-1):** *“The purpose of the Residential District One (R-1) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for medium to high-density residential development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized in areas designated as Urban (USA) in the Comprehensive Plan.” (Chapter 200A, Land Development Code §200A-27).*

The R-1 requires 10 foot side and rear setbacks and a maximum building height of 40 feet for principal structures. The Standard residential density is four (4) units per acre and the maximum density is sixteen (16) units per acre.

### **3. Current Uses of Subject Area and Adjacent Properties**

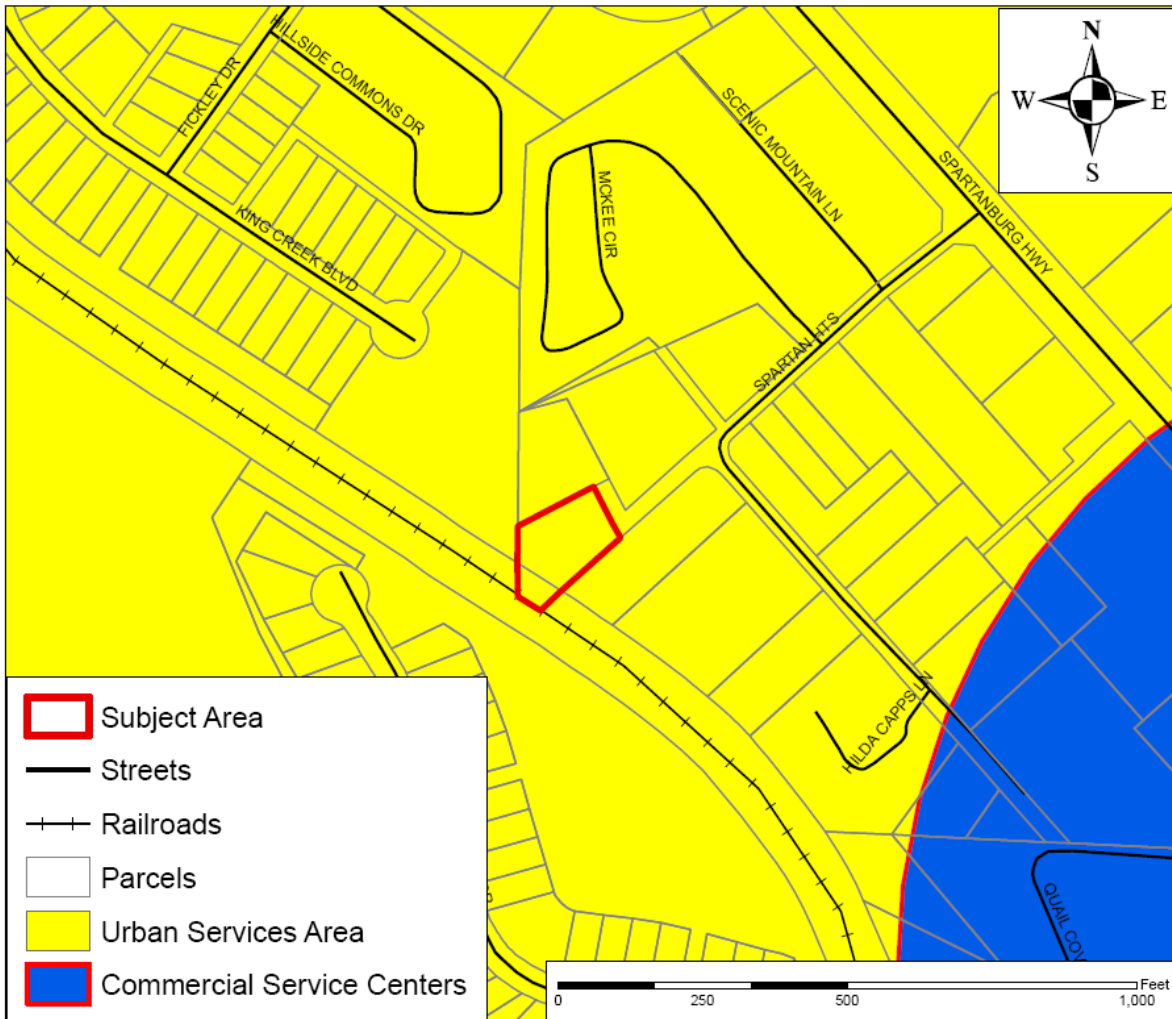
- 3.1. **Subject Area Uses:** The subject area is currently vacant with no structures.
- 3.2. **Adjacent Area Uses:** The surrounding properties are primarily residential uses. The Highland Lake Golf Club is located to the south and south west, and the Village at Kings Creek is located to the north and north west.

### **4. The Henderson County 2020 Comprehensive Plan (CCP)**

The CCP Future Land Use Map identifies the subject area as being located in the Urban Services Area (USA)(2020 CCP, Pgs. 132-134 & Appendix 1, Map 24) (See Map C).

- 4.1. **Urban Services Area:** The CCP states that, “the USA will contain considerable commercial development at a mixture of scales,” and further, “all regional commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community” (2020 CCP, Pg. 132).

**Map C: 2020 County Comprehensive Plan Future Land Use Map**

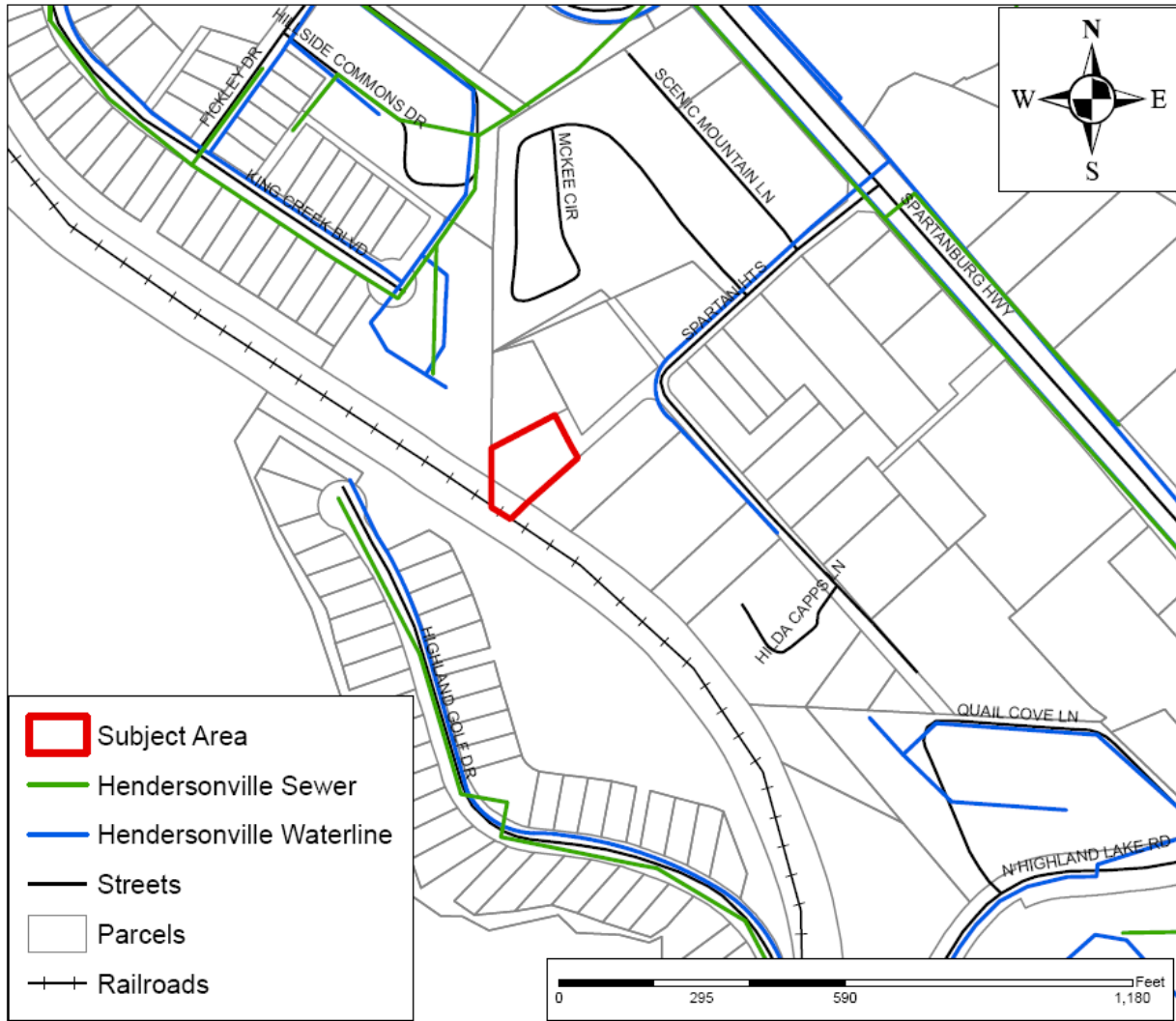


**5. Water and Sewer**

5.1. **Public Water:** A City of Hendersonville water line runs down Spartanburg Highway (US 176) and along Spartan Heights that stops before Hilda Capps Lane. The City of Hendersonville water line is approximately 220 feet to the north east from the subject property. The subject property is approximately 85 feet away to the north west from the City of Hendersonville water line in the Village at Kings Creek neighborhood. (See Map E).

5.2. **Public Sewer:** Public sewer provided by the City of Hendersonville is currently located approximately 800 feet to the north east of the Subject Area along Spartanburg Highway (US 176) at the intersection with Spartan Heights. The subject property is additionally located approximately 85 feet to the north west from the City of Hendersonville sewer line in the Village at Kings Creek neighborhood. (See Map E).

Map E: Water and Sewer Map



6. **Staff Comments**

- 6.1. **The 2020 CCP:** The CCP Future Land Use Map (See Map C) places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be suitable for high-density residential, commercial or industrial development. The CCP indicates that the USA may be suitable for commercial development provided the development is in keeping with the surrounding community. The CCP also indicates that commercial may be suitable for the area as the Subject Area falls within close proximity of a commercial service center node within the USA.
- 6.2. **Adjacent Zoning:** The Subject Area is adjacent to Residential One zoning to the east and north east.

- 6.3. **Comparison of Districts:** The existing Community Commercial district allows for multifamily residential uses and local/community scaled commercial development. Applying Residential One zoning will continue to allow for residential uses however, eliminate the ability to construct local/community scaled commercial development. Applying Residential One zoning will allow for medium to high-density residential developments, multifamily dwellings, and only double and triple-wide manufactured homes provided that public water and sewer are available.
- 6.4. It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property. The Technical Review Committee, Planning Board, and the Board of Commissioners cannot consider any specific proposed use for the property and must only consider the range of possible uses when reviewing and making recommendations on the rezoning request.
7. **Staff Recommendations**
  - 7.1. Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the rezoning of the Subject Area to Residential One consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.
8. **Technical Review Committee Recommendations**
  - 8.1. TBD.
9. **Planning Board Recommendations**
  - 9.1. TBD.





View of subject Area looking northeast.



View of the center of the Subject Area and existing vacant wooded lot looking east.



View of the center of the Subject Area looking southwest.



View of the center of the Subject Area and existing single family home looking northwest.